

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 1, 2, 5, 7-26) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, the Examiner rejected claims 1-5 and 10-17 under 35 U.S.C. § 102(e) as being anticipated by Bresina et al. U.S. Patent No. 6,395,035. The Examiner considered that Bresina et al. disclosed a spinal fusion implant device having sidewalls with a longitudinal slit. The Examiner then rejected claims 20-22 as being anticipated by Heggeness et al. U.S. Patent No. 5,514,180 which showed a spinal implant having a plurality of internal bores opened to its upper and lower surfaces as seen in FIG. 25 thereof.

The Examiner then went on to reject the claims 6, 7, 18 and 19 as being obvious over a combination of Bresina et al. and Heggeness et al. and claims 8 and 9 being obvious over Bresina et al. in view of Biscup U.S. Patent No. 6,245,108. Biscup was cited as teaching a series of ridges or grooves on its top surface.

Applicant has amended independent claims 1 and 14 to require that the internal cavity include two or more internal bores with the bores in communication with the slit. Bresina et al. does not teach two or more internal bores and Heggeness does not teach or suggest having slits in the sidewall of the implant body which communicate with the internal bores.

Independent claim 20 and new independent claim 24 now include the limitation that the internal cavity of the implant has a plurality of bores open to the upper and lower surfaces with the sides of the bores being in open communication with adjacent bores. Neither Bresina et al. or Heggeness et al. teach or suggest using a plurality of bores to form the internal cavity, which bores are in opening communication with adjacent bores. Bresina et al. has only a single bore and the multiple bores of FIG. 25 of Heggeness et al. are taught to be independent of one another.

Various dependent claims add the limitation that the slit in the sidewalls is in communication with the generally cylindrical bores of the internal cavity in both claims 20 and 24. This again further distinguishes over the prior art cited by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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